

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOY WHITE,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. _____
v.)	
)	
RICHARD DIEHL, INC.,)	
STEVEN FOULKS, CHEROKEE)	
INSURANCE COMPANY AND)	
JOHN DOES (1-5),)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW defendants Richard Diehl, Inc. ("Diehl"), Steven Foulks, and Cherokee Insurance Company ("Cherokee") (together "these defendants") and, pursuant to 28 U.S.C. §§ 1441 and 1446, file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On July 27, 2023, plaintiff filed a complaint in the State Court of Fulton, County, Georgia, Civil Action No. 23EV004490, which county is within the Atlanta Division of the Northern District of Georgia.

2.

A true and correct copy of all process, pleadings, and orders filed in

connection with this action is attached hereto as Exhibit A. These defendants have no knowledge of any other process, pleadings, or orders served in connection with this action, other than those attached hereto.

3.

This Court has original jurisdiction over the above-referenced case under 28 U.S.C. § 1332.

4.

There is complete diversity among the parties.

5.

Plaintiff is a citizen of the State of Georgia. (Compl., ¶ 8.)

6.

Defendant Diehl is incorporated in the State of Tennessee with its principal place of business in the State of Tennessee. (Compl., ¶ 1; *see also* Tennessee Secretary of State, *Business Search results* attached hereto as Exhibit B.)

7.

Defendant Cherokee is a Michigan company with its principal place of business in the State of Michigan. (Compl., ¶ 2)

8.

Defendant Steven Foulks is a citizen of the State of Tennessee. (Compl., ¶ 3)

9.

The citizenship of the unnamed, fictitious defendants JOHN DOES (1-5) "shall be disregarded." 28 U.S.C. § 1441(b); *Smith v. Comcast Corp.*, 786 Fed. App'x 935, 939 (11th Cir. 2019) ("Even if the fictitious defendants were likely not diverse, their citizenship must be disregarded for purposes of diversity jurisdiction.") (Citation marks omitted).

10.

The amount in controversy meets the jurisdictional requirements because plaintiff seeks in excess of \$75,000, exclusive of interest and costs. (*See* Exhibit C (e-mail correspondence between counsel regarding amount in controversy).)

11.

All defendants consent to the removal of this action pursuant to 28 U.S.C. § 1446(b)(2)(C).

12.

The undersigned has read this notice of removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact; is warranted by existing law; and is not interposed for

any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this notice of removal having been filed, said action shall proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, and no further proceedings shall be held in said case in the State Court of Fulton County.

STONE KALFUS LLP

/s/ Shawn N. Kalfus

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CERTIFICATE OF SERVICE

This is to certify that I have this date served the foregoing *Notice of Removal* to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record is:

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This 1st day of August, 2023.

/s/ Shawn N. Kalfus

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Georgia Bar No. 406227

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